riched many fields of knowledge. The rule against the sale of immoral publications cannot be invoked against those works which have been generally recognized as literary classics.

Requiring Brokers to Disclose Names of Purchasers of Stock.—How is the receiver of an insolvent corporation to learn the names of the owners of stock upon which assessments have been made when the stock has been transferred by insolvent holders to other persons who have failed to have the transactions recorded on the corporate books? A situation of this character is shown in Huey *v.* Brown, 171 Federal Reporter, 641, where the receiver applied for an order of discovery against stock brokers through whom the transfer was accomplished. Respondents demurred to the bill, their demurrer was overruled, and they appealed to the Circuit Court of Appeals. That tribunal upheld the decision of the lower court, following the similar case of Kurtz *v.* Brown, 152 Fed. 372, 81 C. C. A. 498, thus deciding, in effect, that respondents might be compelled to give the names and addresses of their customers in instances of this kind.

Photograph of Deceased as Evidence in Murder Trial.—In State *v.* Finch, 103 Pacific Reporter, 505, a prosecution for murder, it was assigned as error that the trial court allowed a photograph of deceased to be shown to the physician who performed the autopsy, for the purpose of proving by him the identity of the body on which the autopsy was performed; he not being acquainted with deceased. The photograph was proven to be a correct likeness of deceased in health and strength, and apparently not of a character to excite or inflame the jury. The Oregon Supreme Court ruled that there was no error in thus using it.

Socks and Maple Syrup.—Boastful and fanciful, not false and misleading, is the trade-name announcing that the impossible has occurred, and socks have become "Hole-Proof." At least that is the holding of the United States Circuit Court of Appeals in Holeproof Hosiery Co. *v.* Wallach Bros., 172 Federal Reporter, 859. "Surely," says the court, "no one could be misled into the belief that holes will not appear in complainant's socks if they are worn long enough, and it is difficult to conceive that any one could be fatuous enough to suppose that by the use of the word 'Hole-Proof' he could deceive people by inducing a belief that the goods would never wear out."

Another case dependent on deceptiveness of names is that of United States *v.* Sixty-Eight Cases of Syrup, 172 Federal Reporter, 781. It appeared that syrup seized for purpose of forfeiture was put up in packages marked, "Blended Maple Syrup, Guaranteed Absolutely Pure." It was alleged that it was actually made from substances other than maple syrup, and flavored with an extract of maple wood,

but the United States District Court dismissed the libel, on the ground that the use of the word "blended" saved the label from being a violation of the Pure Food and Drugs Act, as it indicated a mixture and imitation.

Constructive Notice of Proceedings after Default Judgment.—In Shellabarger *v.* Sexsmith, decided by the Supreme Court of Kansas and reported in 103 Pacific Reporter, 992, the question arises as to the necessity of one against whom judgment by default has been rendered taking notice of subsequent proceedings. The action was instituted against Sexsmith for the foreclosure of a mortgage, and judgment by default taken and the land ordered sold for its satisfaction. At the same time, and as a part of the same decree, an order was made reciting that as it appeared that Shellabarger had some interest in the premises he should be made a party thereto. This was done. He was served with summons, answered, and set up a note and mortgage against Sexsmith, and asked for a second lien on the land and a personal judgment. No process aside from the summons in the original action seems ever to have been served on Sexsmith, and some time after judgment was given in favor of Shellabarger motion was made to set it aside. The motion was sustained by the trial court, but its decision was reversed by the Supreme Court, which held, following Kimball *v.* Connor, 3 Kan. 414, Curry *v.* Janicke, 48 Kan. 168, 29 Pac. Rep. 319, and Jones *v.* Standiferd, 69 Kan. 513, 77 Pac. Rep. 271, that defendant was bound by the first summons to take notice of all subsequent proceedings in the action.

Recovery from Third Person of Funds Misappropriated by Bank Teller.—A paying teller of a Birmingham, Ala., bank having in his possession its funds, and desiring to increase his worldly fortune by speculating therewith, represented himself as agent of a fictitious person having a deposit in the bank, and paid out large sums of the bank's money to an agent of New Orleans cotton brokers as margins on speculations. The bank sued the brokers to recover the money, alleging that they induced the teller to begin the speculations and received the cash over the teller's counter knowing that it belonged to the bank. On the facts, the court finds that the brokers throughout the transactions acted with perfect good faith and in complete ignorance of the wrongdoing of the defaulting teller. The bank in attempting to fix responsibility on the cotton brokers urged that the confidence reposed in the teller by the brokers' agent justified the conclusion of complicity in the latter's illegal acts. In reply to this argument, it was pointed out that the bank officers' own negligence was the direct cause of their loss, because they substantially withdrew all check on the teller in dealing with the moneys belonging to the bank and in his possession, making it possible for him to feloniously